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11 *Attorneys for Defendants SmartCareOS, LLC;
Smart Tuition Holdings, LLC; and Lyrical
Partners, L.P.*

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 ANDREW GOLDBERGER, an individual;

15 Plaintiff,

16 vs.

17 SMARTCAREOS, LLC, a Delaware limited
liability company; SMART TUITION
HOLDINGS, LLC, a Delaware limited liability
company; LYRICAL PARTNERS, L.P., a
Delaware limited partnership; DOES 1 through
10; ROE ENTITIES 11 through 20, inclusive,

18 Defendants.

19 Case No.: 2:16-cv-01884-RFB-NJK

20 **STIPULATION AND ORDER EXTENDING
DEADLINE FOR JURISDICTIONAL
DISCOVERY (APPLICABLE TO LYRICAL
PARTNERS, L.P.) AND DEADLINE TO
RENEW MOTION TO DISMISS OR
RESPOND TO COMPLAINT**

21 **(FIRST REQUEST)**

22 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Andrew
23 Goldberger (“Plaintiff”) and Defendants SmartCareOS, LLC (“SmartCare”); Smart Tuition
Holdings, LLC (“Smart Tuition”); and Lyrical Partners, L.P. (“Lyrical”) (collectively, the “Parties”),
through their undersigned counsel, as follows:

24 1. Pursuant to the Court’s Order on Defendants Motion to Dismiss and the Parties’
25 Jurisdictional Discovery Plan and Scheduling Order (Applicable to Lyrical Partners, L.P.) [ECF No.
26 40] (“Jurisdictional Discovery Plan”), Plaintiff’s deadline to complete jurisdictional discovery is
27 September 21, 2017. Following the jurisdictional discovery cutoff, Lyrical may renew its Motion to
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1 Dismiss Plaintiff's claims against Lyrical for lack of jurisdiction by October 2, 2017. If Lyrical
2 chooses not to renew its Motion to Dismiss, its Answer to the Complaint is due by October 2, 2017.

3 2. Plaintiff and Lyrical have engaged in written discovery concerning jurisdictional
4 matters, Plaintiff desires to take approximately seven depositions concerning discovery. Some of
5 those depositions will occur out of state (i.e. in New York) and at least one witness will be traveling
6 from out of state to Nevada.

7 3. The Parties have agreed to extend the jurisdictional discovery deadline from
8 September 21, 2017, until October 5, 2017. Likewise, the Parties have agreed to extend the related
9 deadline for Lyrical Partners, L.P. to renew its Motion to Dismiss or to file an Answer from October
10 2, 2017 to October 16, 2017.

11 4. The Parties submit that good cause exists for the extension. A number of depositions
12 will occur out of state and at least one witness will be traveling from out of state to Nevada for
13 deposition. The Parties are seeking to group the depositions to eliminate excess travel. However,
14 due to existing schedules of the deponents and counsel, the depositions cannot be completed by
15 September 21, 2017. The Parties have discussed and identified available dates and therefore have
16 requested only a two week extension.

17 DATED this 3st day of August, 2017.

18 BAILEY♦KENNEDY

19 By: /s/ Joshua M. Dickey
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PAUL C. WILLIAMS
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148
22 Attorneys for Defendants SmartCareOS, LLC;
Smart Tuition Holdings, LLC; and Lyrical
Partners, L.P.

DATED this 31st day of August, 2017.

MCDONALD CARANO WILSON LLP

BY: /s/ Aaron D. Shipley
AARON D. SHIPLEY
RORY T. KAY
2300 West Sahara Avenue
Suite 1200
Las Vegas, Nevada 89102
23 Attorneys for Plaintiff Andrew Goldberger

24 IT IS SO ORDERED:

25
26 RICHARD F. BOULWARE, II
United States District Judge
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DATED: August 31, 2017.